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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,143

12/30/2005

Bjorn Refsum

OPA 324

4564

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12/23/2008

EXAMINER

NELSON JR, MILTON

ART UNIT

PAPER NUMBER

3636

MAIL DATE

DELIVERY MODE

12/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/563,143	Applicant(s) REFSUM, BJORN	
	Examiner Milton Nelson, Jr.	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/22/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 9, 2008 has been entered.

Information Disclosure Statement

The information referred to in Applicant's information disclosure statement filed July 22, 2008 has been considered.

Drawings

Applicant's new drawing sheets filed August 6, 2008 have not been entered, as each includes new matter. The drawing sheet which includes Fig. 6 shows at least an assumed module portion that is tilted rearwardly. This orientation is not supported by the originally filed disclosure. Fig. 6 also shows at least an object at the bottom, front of the device which appears to include drape lines. This is also not supported by the

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originally filed disclosure. Regarding Fig. 7, at least the rod with a pair of members 9 is not supported by the originally filed disclosure.

The originally filed drawings remain objected to under 37 CFR 1.83(a), as the new drawing sheets have not been entered. The drawings must show every feature of the invention specified in the claims. The movable casing "completely surrounds" the stem, and the locking device "is a bracket to the module" have not been shown.

Specification

The specification is objected to as being inconsistent with the entered drawing sheets (i.e. the originally filed drawings). This objection is in view of Applicant's amendment to the specification and the non-entry of the new drawing sheets.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10 and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement has been withdrawn in view of Applicant's remarks.

The rejection of claim 18 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement has been overcome in view of Applicant's cancellation of the claim.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The rejection of claims 15-20 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, has been overcome by Applicants cancellation of these claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDaniel (872739) in view of Stoll (1726372).

The primary reference shows all claimed features of the instant invention with the exception of a spring-arranged between the handle and the friction element (claim 1); and the movable casing partly surrounding the stem (claim 9). In the primary reference, note the module (12), which is capable of use by a child and is therefore a children's

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seat, stem (1), locking device (8, 8', 9, 9', 9"), movable casing (2) completely surrounding the stem, handle (9') which is rotatable eccentrically, friction element (9), spring (9'), friction pattern (2) including grooves or indents, wherein the locking device is integrated as part of the module (by way of 10, 11), and bracket (10, 11).

The secondary reference conventionally teaches configuring a handle (portion 8 behind the pivot hole, as shown in Figure 4), and friction element (portion in front of the pivot hole, including portion 9) assembly with a spring (13, 14, 14) arranged between the handle and the friction element, as shown in Figures 1 and 2. Note that the spring is mounted around the pivot axis.

Regarding claim 1, it would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by substituting a spring around the pivot in place of the rearwardly mounted spring. This modification provides an alternate, equivalent mounting configuration for the spring. The locking mechanism performs equally as well with either type of mounting, and no problem is solved and no advantage is rendered by using one mounting over the other. Such necessarily places the spring between the handle and the friction element.

Regarding claim 2, it would have further been an obvious matter of choice in design to configure the movable casing as partly surrounding the stem in place of completely surrounding the stem. The device performs equally as well with either configuration, and no problem is solved and no advantage is rendered by using one configuration in place of the other.

Response to Amendment/Arguments

Applicant's response has been fully considered. Remaining issues are described in the above sections. The previous indication of allowable subject matter in claims 1 and 8-14 has been withdrawn in view of the newly cited prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571) 272-6861. The examiner can normally be reached on Mon-Thurs, and alternate Fridays, 5:30-3:00 EST.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Milton Nelson, Jr./
Primary Examiner, Art Unit 3636

mn
December 20, 2008